

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**THE CITY OF KANSAS CITY, MISSOURI,**

**Plaintiff,**

**vs.**

**HOUSING & ECONOMIC DEVELOPMENT  
FINANCIAL CORPORATION,**

**and**

**U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT,**

**Defendants.**

**Case No. 05-00368-CV-W-GAF**

**AMENDED ORDER**

Now before the Court is the City's Motion to Reconsider the Court's April 3, 2009 Order (Doc. 1895) authorizing the Receiver to donate former Registry Square Apartment Parcels to Habitat for Humanity (Doc. 1934). The Court having considered the City's Motion it is hereby

ORDERED that the Receiver is authorized to convey the nine (9) scattered site parcels ("Parcels") set forth in the Amended Motion resulting from the former Registry Square Apartments to Habitat for Humanity/Kansas City, Inc. provided:

(i) the Receiver approves, in his discretion, the terms, conditions and provisions of the real estate contracts, deeds, declarations of land use restriction covenants and other related documents ("Documents") pertaining to the transfer of Parcels;

(ii) the City of Kansas City, Missouri ("City"), by ordinance, releases the Receiver, through a document executed by the City Attorney, from any loss, claim, damage, judgment, assessment, cost or other known or unknown liability ("Losses") arising from the Receiver's compliance with this Order or that might arise from the transfer of the Parcels under the Documents; and

(iii) the City Attorney of the City of Kansas City, Missouri executes an agreement with the Receiver in which it is agreed that whenever the Receiver notifies the City Attorney that a claim or cause of action is asserted against the Receiver by a third person arising out of the Receiver's compliance with any Order issued by the Court in response to this Motion or from the transfer of any one or more of these parcels, the City Attorney will docket an ordinance for first reading at the next available City Council legislative session, requesting sufficient funding for the defense and indemnity of the Receiver from such claim, demand, cause of action or other liability asserted by that third person.

s/ Gary A. Fenner \_\_\_\_\_

Gary A. Fenner, Judge

United States District Court